

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13410, of Lorenzo Llerena, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Sub-section 7104.2 to change a non-conforming use from restaurant seating less than seventy-five persons, first floor and storage, basement to a restaurant seating seventy-four persons and carry-out, first floor and basement, at 702 - 5th Street, N.W. and for a special exception under Sub-section 7105.2 to extend the proposed use to the first floor and basement of premises 702 1/2 - 5th Street, N.W., in an SP-2 District (Square 486, Lot 35).

HEARING DATES: January 28 and March 18, 1981
DECISION DATE: April 1, 1981

FINDINGS OF FACT:

1. The application was originally scheduled for public hearing on January 28, 1981. The applicant failed to appear. The Board reset the case for hearing on March 18, 1981.
2. The subject property is located in an SP-2 District on the west side of 5th Street between G and H Streets.
3. The subject property consists of one lot which is 25.5 feet wide and eighty-five feet deep.
4. The property is improved with a two story building, occupying the full width of the lot. The building has two addresses, 702 - 5th Street on the southern side and 702 1/2 - 5th Street on the northern side. There is a basement under both sides of the building.
5. Records in the Central Permit Branch indicate that the last recorded Certificate of Occupancy for 702 - 5th Street, No. B-49662, issued December 21, 1964, authorized a restaurant seating less than seventy-five persons on the first floor with the basement used for storage. The last recorded Certificate of Occupancy for 702 1/2 - 5th Street, No. B-59041, issued November 15, 1966, authorized a retail grocery and delicatessen, as approved by BZA Order No. 6348.
6. The application proposes to combine the two addresses into one business. That business would be a restaurant and carry-out. The restaurant would seat seventy-five persons. Service would be cafeteria-style. The hours of operation would be from 6:00 a.m. to 4:00 p.m. It is anticipated that the majority of the clientele would be walk-in patrons from offices and other business in the area.

7. The application requests a special exception under Sub-section 7104.2 to change the non-conforming restaurant at 702 - 5th Street to a restaurant and carry-out, and a special exception under Sub-section 7105.2 to extend the use to the basement and to the 702 1/2 portion of the building.

8. A restaurant is a use first permitted in a C-1 District. A carry-out or delicatessen is a use first permitted in a C-1 District. A grocery store is also first permitted in a C-1 District.

9. The subject property is one of a number of small structures located on the west side of 5th Street between G and H Streets. Most are presently used for commercial purposes. Adjoining the subject property on the north is a shoe repair shop. Adjoining the subject site on the south is a vacant building for which the Board approved an application to allow a restaurant to be included in the first floor and basement. Much of the subject square is used for parking lots. Across 5th Street to the east are the offices of the General Accounting Office. Across G Street to the south is the Metro Headquarters building. The Pension Building is located diagonally across from the site at the southeast corner of 5th Street and G Street.

10. The subject restaurant and carry-out will be primarily a neighborhood use, serving the occupants and visitors to the other buildings in the area.

11. The extension of the restaurant-carryout use will require no structural alterations and will not involve any additional structure.

12. The proposed use will be similar in character to previous uses of the building. Such use is compatible with other existing uses in the area and will not adversely affect the present character or future development of the area.

13. There was no report from Advisory Neighborhood Commission - 2C.

14. There was no opposition to the application.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the applicant is seeking two special exceptions. In order to be granted such exceptions, the applicant must demonstrate that he has complied with the requirements of Sub-sections 7204.2 and 7205.2, Section 7104 and Sub-section 8207.2 of the Zoning Regulations. The Board concludes that the applicant has so complied. The proposed use is permitted in the most restrictive district in which the existing use is permitted. The proposed use will be a neighborhood facility. No structural alterations are required, and no other structures are involved. The proposed use will not adversely affect the neighborhood in which it is located.

The Board further concludes that the special exception can be granted as in harmony with the general purpose and intent of the Zoning Regulations and maps and will not tend to affect adversely the use of neighboring property in accordance with said regulations and maps. It is therefore ORDERED that the application is GRANTED.

VOTE: 4-0 (Charles R. Norris, William F. McIntosh and Connie Fortune to GRANT; Douglas J. Patton to GRANT by PROXY).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: Steven E. Sher
STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 9 JUN 1981.

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS, AND INSPECTIONS.